



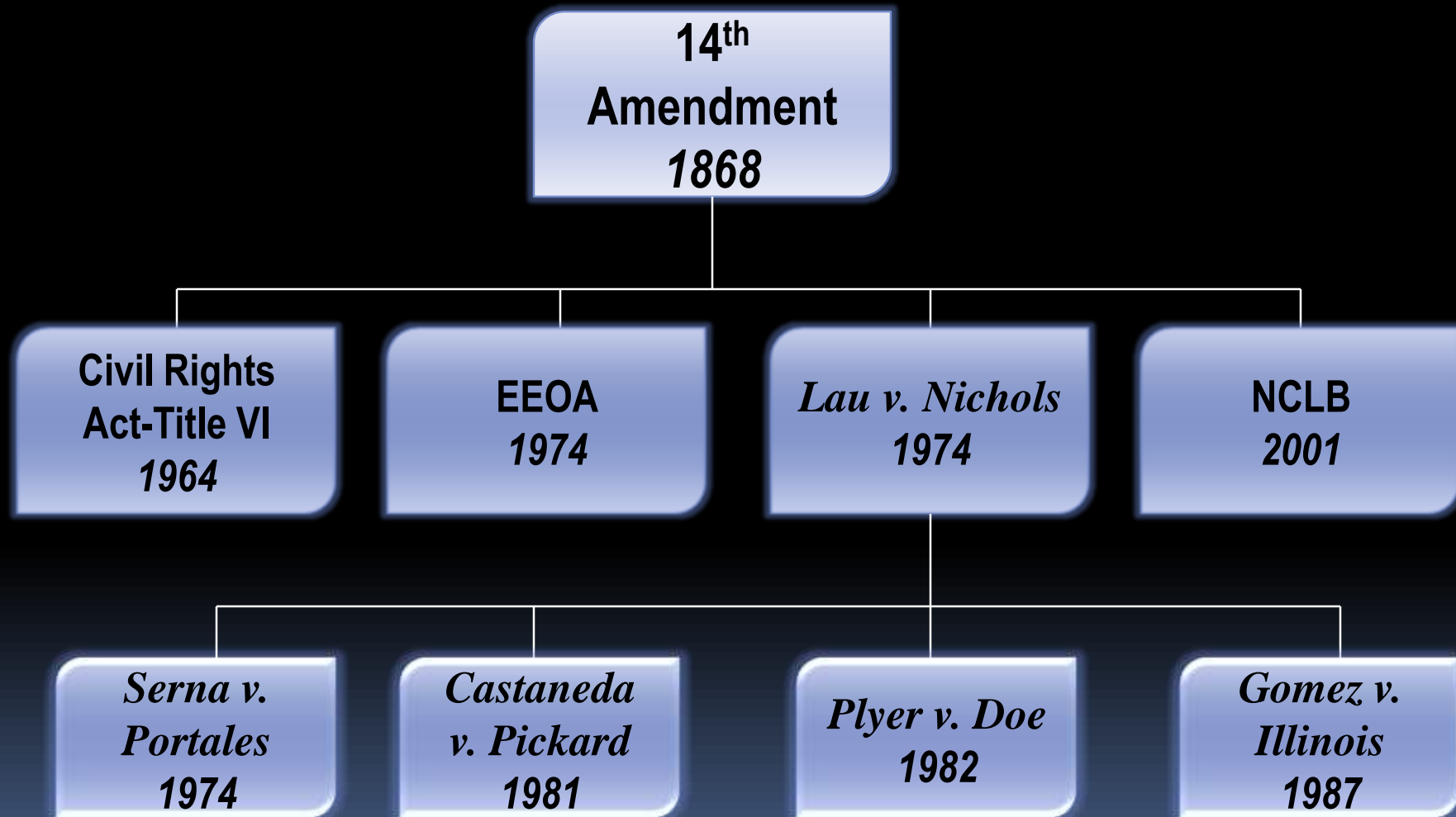
Implications for ESL and Educators

# **LAWS & LEGISLATION**



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# Federal Legislation Impacting ESL Education



# The 5 Most Influential Laws on ESL Education



Legislation	Summary
Civil Rights Act, 1964 Title VI	Legally prohibits discrimination based on race, color, or national origin for any programs receiving federal funding. Federal court interpretations extended this legislation to ELLs. Title VI requires equal access to education regardless of limited English proficiency.
EEOA, 1974 (Equal Educational Opportunities Act)	States cannot deny equal educational opportunities based on race, color, sex or national origin. Schools and other educational agencies must take “appropriate action” to overcome language barriers and provide students with equal participation in instructional opportunities and programs.

# The 5 Most Influential Laws on ESL Education



Legislation	Summary
<i>Lau v. Nichols</i> , 1974 Federal Court Case	Case was started in CA by a group of Chinese American students who were not receiving additional English instruction or equal opportunities for education. The U.S. Supreme Court overruled lower courts in CA and established that simply giving all students the same materials, teachers and lessons is not the same as “equal opportunity,” especially if students are not proficient in English.
<i>Castaneda v. Pickard</i> , 1981 Federal Court Case	Case was tried to determine If a local school district was in compliance with the EEOA of 1974. The court established a three part test to establish compliance: <ol style="list-style-type: none"><li>1. <b>Theory</b>: Schools must implement programs based on educational theory accepted by experts.</li><li>2. <b>Practice</b>: Schools must actually implement the school system’s adopted theory.</li><li>3. <b>Results</b>: Programs must produce results or be stopped <i>immediately</i> if they are not working.</li></ol>

# The 5 Most Influential Laws on ESL Education



Legislation	Summary
NCLB, 2001 (No Child Left Behind)	This act ties federal funding for states directly to academic progress by students. States not meeting performance objectives for LEP students could be punished by losing up to ten percent of administration funds for certain grant programs.

# Legal Decisions Influencing TN



Legislation	Summary of Effects on TN Students
EEOA, 1974 (Equal Educational Opportunities Act)	All students in TN must have equal educational opportunities. If a student is LEP, the school agency must implement a program to help them acquire English, thereby removing language barriers to educational opportunities. This act also requires that policies and information be sent home in English and the student's home language.

# Legal Decisions Influencing TN



Legislation	Summary
<i>Lau v. Nichols</i> , 1974 Federal Court Case	Born of this court decision, the Lau Plan requires the following of all schools in TN: <ul style="list-style-type: none"><li>•Identification of ELLs through a home language survey</li><li>•Design of effective program to meet needs of ELLs</li><li>•Staffing of qualified ESL and/or bilingual personnel</li><li>•Using valid and appropriate assessments for English proficiency and content comprehension</li></ul>
<i>Castaneda v. Pickard</i> , 1981 Federal Court Case	All schools in TN will have to use the three part test looking at theory, practice and results as established by this decision . Schools and programs must only use a degree of segregation that is necessary for the success of the chosen program. Segregation not required for meeting academic goals of the program in TN schools is prohibited.

# Legal Decisions Influencing TN



Legislation	Summary
Tennessee Acts of 1984 [Ch. 821, § 1.]	This law establishes English and the official and legal language of Tennessee and requires that all instruction in Tennessee schools and colleges be done in English unless the content requires otherwise.
NCLB, 2001 (No Child Left Behind)	Some key implications of this law are: <ul style="list-style-type: none"><li>• Schools must show AYP data including LEP students.</li><li>• LEP students must be tested annually in English Language Proficiency</li><li>• States are not required to submit LEP scores for AYP calculation in the LEP student's 1<sup>st</sup> year enrolled in the U.S., but scores are included in AYP for every year after the 1<sup>st</sup> year.</li><li>• Assess reading in English only after a student has been enrolled in the U.S. for 3 or more consecutive years</li><li>• Districts must notify parents of academic failure.</li></ul>

# TN Adaptations of Laws



Legislation	Adaptations
<i>Lau v. Nichols</i> , 1974 Federal Court Case	<p>TN State Board Policy requires that all districts include these questions on the mandatory Home Language Survey:</p> <ol style="list-style-type: none"><li>1. What is the first language this child learned to speak?</li><li>2. What language does this child speak most often outside of school?</li><li>3. What language do people usually speak in this child's home?</li></ol> <p>If the answer to any of these is something besides English, the student must be screened for ESL and be classified Non-English Language Background (NELB). This requires the student be tested for English proficiency.</p>
EEOA, 1974	<p>TN established Title III within the state's Department of Education to ensure that LEP students are served appropriately by programs that will keep them in compliance with EEOA.</p>

# TN Adaptations of Laws



Legislation	Adaptations
<i>Castaneda v. Pickard</i> , 1981 Federal Court Case	TN Department of Education, Title III is responsible for approving all ESL programs in the state. Title III ensures that ESL programs are following the three part test established in this ruling.
NCLB, 2001 (No Child Left Behind)	TN has mandated that ELLs will be tested annually in February. This meets NCLB requirements of annual testing of English Proficiency. TN uses the English Language Development Assessment (ELDA).

# Resources for Further Information



- US Department of Education: Office of Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/eeolep/index.html>
- Tennessee Teachers of English to Speakers of Other Languages  
<http://www.tntesol.org/>
- Limited English Proficiency, A Federal Interagency Website  
<http://www.lep.gov/>
- ESL Resource Center  
<http://www.planeslessons.com/legislation/>
- Understanding No Child Left Behind: English Proficiency  
<http://www.learningpt.org/pdfs/qkey5.pdf>

# References



- American Speech Language and Hearing Association. *No Child Left Behind Fact Sheet on Assessment of English Language Learners*. Retrieved from <http://www.asha.org/uploadedFiles/advocacy/federal/nclb/NCLBELLAssess.pdf>
- *Linking Language Policy to Practice for English Language Learners*. Retrieved from <http://www.alliance.brown.edu/tdl/>
- National Coalition for Parent Involvement in Education. *Programs of English Language Learners*. Retrieved from [http://www.ncpie.org/nclbaction/english\\_language\\_learners.html](http://www.ncpie.org/nclbaction/english_language_learners.html)
- State of Tennessee Department of Education (July 2010). *English as a Second Language Policy Guidance*. Retrieved from [https://elearn.mtsu.edu/d2l/lms/content/viewer/main\\_frame.d2l?ou=1933713&tld=18292301](https://elearn.mtsu.edu/d2l/lms/content/viewer/main_frame.d2l?ou=1933713&tld=18292301)
- Stewart, Melanie. *Federal Law and English Language Learners*. Retrieved from [https://elearn.mtsu.edu/d2l/lms/content/viewer/main\\_frame.d2l?ou=1933713&tld=18292301](https://elearn.mtsu.edu/d2l/lms/content/viewer/main_frame.d2l?ou=1933713&tld=18292301)
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- Tennessee Department of Education. *English Only Law*. Retrieved from <http://www.tn.gov/education/fedprog/fpeslresources.shtml>
- *US Department of Education: Office of Civil Rights*. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/eeolep/index.html>